S.B. Cr. Revision Petition No.224/2006

Kumari Purva
vs
Arun Kumar

DATE OF ORDER : 9.1.2007

HON'BLE JUSTICE SHRI G.S. SARRAF

Shri Rakesh Arora, for the petitioner.

<><><>

This revision petition is directed against the judgment of Family Court, Udaipur dated 5.1.2006 whereby the court has allowed Rs.1,000/- per month as maintenance to the petitioner from the date of judgment.

Heard Shri Rakesh Arora, learned counsel for the petitioner.

Nobody turned up to argue the matter on behalf of the respondent.

Shri Rakesh Arora, learned counsel for the petitioner submits that the amount of maintenance awarded to the petitioner is inadequate, which should be increased to the tune of Rs.5,000/- per month looking to the legitimate necessities of the petitioner and the same may be ordered to be paid from the date of filing of the application in the Family Court.

It has come in evidence that the total monthly pay of the

respondent is Rs.10,363/- and after deductions, he gets only Rs.6,572/- per month. Looking to the pay of the respondent and considering all the facts and circumstances of the case, I am of the opinion that the monthly maintenance of Rs.1,000/- per month awarded to the petitioner cannot be said to be inadequate.

The learned lower court has allowed the maintenance from the date of judgment, i.e., 5.1.2006 without assigning any reasons. In absence of any reason, I am of the view that the maintenance should be allowed from the date of application, i.e., 20.7.2002.

In the result, this revision petition is partly allowed and the order of the learned Family Court is modified to the extent that the maintenance of Rs.1,000/- per month shall be paid from the date of application, i.e., 20.7.2002.

(G.S. SARRAF), J.

cpgoyal/-